

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE: SUBPOENA

)
) Case No. 4:20-mc-00854-PLC
)
) **FILED UNDER SEAL**

**APPLICATION FOR ORDER COMMANDING T-MOBILE
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF A SUBPOENA**

COMES NOW the United States of America, by and through its attorneys, the United States Attorney for the Eastern District of Missouri, and John J. Ware, Assistant United States Attorney for said District, and requests that this Court order T-MOBILE (hereinafter “the Service Provider”) not to notify any person (including the subscribers or customers of the account(s) listed in the attached subpoena) of the existence of the subpoena for a period of one year, concerning the following account(s):

Phone: **314-556-2736**

As grounds the United States asserts as follows:

1. The Service Provider is a provider of an electronic communication service, as defined in Title 18, U.S.C., Section 2510(15), and/or a remote computing service, as defined in Title 18, U.S.C., 2711(2). Pursuant to Title 18, U.S.C., Section 2703, the United States intends to serve the attached subpoena. Pursuant to Title 18, U.S.C., Section 2703(c)(3), the Government or agency receiving these records or information as a result of the subpoena will not provide notice to the subscriber or customer of the aforementioned account(s).

2. This Court has authority under Title 18, U.S.C., Section 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems

appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

3. In this case, such an order is appropriate because the subpoena was issued in part under the authority granted to this court pursuant to Title 18, U.S.C., Section 2703. This subpoena is related to an ongoing criminal investigation that is not public and this portion of the investigation is not known to the subjects of the investigation. Premature notification may alert the subject(s) to the investigation. Some of the evidence in this investigation is stored electronically. If the subjects were notified about the subpoena for the accounts referenced in this order, the subjects could destroy evidence in other accounts they are using but of which the Government is not aware at this time, including information saved in other electronic storage media. Accordingly, there is reason to believe that notification of the existence of the subpoena will seriously jeopardize the investigation, including giving the subjects an opportunity to: flee, destroy and/or tamper with evidence; change patterns of behavior; or notify confederates. *See* Title 18, U.S.C., Section 2705(b)(2), (3), and (5).

WHEREFORE, the United States respectfully requests, pursuant to Title 18, U.S.C., Section 2705(b), that the Court grant the attached Order directing the Service Provider not to disclose the existence or content of this Application, the attached subpoena and any Order issued, for a period of one year from the date of the Order, except that the Service Provider may disclose the attached subpoena and any Order to an attorney for the Service Provider for the purpose of receiving legal advice.

The United States further requests that the Court order that this Application, attached subpoena, and any resulting Order be sealed until further Order of the Court. As explained above, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ John J. Ware
JOHN J. WARE, #40880(MO)
john.ware@usdoj.gov
Assistant United States Attorney

Dated this 2nd day of December, 2020.

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

T-Mobile

Attn: Gavin Pinchback, Director Law Enforcement Relations Group

To: 4 Sylvan Way

Parsippany, NJ 07054

Phone: 9866-537-0911

eMail: Lerinbound@T-Mobile.com

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, 20th Floor
St. Louis, MO 63102

Date and Time:

December 16, 2020, 9:30 a.m.
Grand Jury Room - 20th Floor

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

SEE ATTACHMENT

NOTE: Pursuant to an official investigation being conducted by the Federal Grand Jury for the Eastern District of Missouri, your company is requested not to disclose the existence of this subpoena, nor that your company has given information to the Federal Grand Jury. Such a disclosure would impede the investigation and thereby interfere with the enforcement of the criminal laws of the United States of America.

Date: December 2, 2020


CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

JOHN WARE
Assistant U.S. Attorney
111 S. 10th Street, Rm. 20.333
St. Louis, MO 63102
314-539-2200

USAO # - 2020R01339

AO 110 (Rev. 06/09) Subpoena to Testify Before Grand Jury (Page 2)

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ATTACHMENT "A"
TO GRAND JURY
SUBPOENA ISSUED TO:

T-Mobile
Attn: Gavin Pinchback,
Director Law Enforcement Relations Group
4 Sylvan Way
Parsippany, NJ 07054

Phone: 866-537-0911
eMail: Lerinbound@T-Mobile.com

For all open and closed accounts, during the period January 1, 2020 to present, provide any and all records associated with the following entities and/or accounts:

Phone: **314-556-2736**

These records should include, but not be limited to, all records and other information relating to the entities and/or account(s) above and any associated accounts including the following:

- Names (including subscriber names, user names, and screen names);
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- Local and long distance telephone connection records;
- Records of session times and durations;
- Length of service (including start date) and types of service utilized;
- Telephone or instrument numbers (including MAC addresses, ESN, MEIN, MEID, MIN, SIM, MSISDN, IMSI, and/or IMEI records);
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses);
- Means and source of payment for such service (including any credit card or bank account number) and billing records;
- Additional accounts linked by phone number, email address, Device ID, machine cookie, MAC address, and/or geographic data; and
- Internal compliance, and/or investigation records.

This subpoena is not requesting the content of communications.

NEGATIVE RESPONSE REQUIRED: If you are unable to provide any of the information requested please provide written confirmation of these facts on company letterhead, signed by the appropriate company officer.

CERTIFICATION REQUIRED: Please provide a signed and sworn affidavit or letter, from the person producing the records, indicating the records provided are *"A true and accurate copy of the original documents maintained by your company, in the ordinary course of business, and the original records were created at or around the time of the actual transactions"*. Failure to provide this document may result in your appearance being required.

RECORD FORMAT: Due to the anticipated volume of this request, records should be submitted using Adobe PDF, Excel XLSX, or another agreed upon format. If the documents requested cannot be provided via electronic media or secure download, we will accept paper copies only as a substitute.

NOTE: In lieu of appearing before the Grand Jury, the requested information may be sent to Assistant United States Attorney John Ware, U.S. Attorney's Office, 111 South 10th Street, Room 20.333, St. Louis, MO 63102 or email john.ware@usdoj.gov.

You may also direct any questions concerning the information requested to:

U.S. Postal Inspection Service
Attn: Postal Inspector P.Dyer
1106 Walnut St.
St. Louis, MO 63199

Phone: (314) 539-9443
Email: PRDyer@uspis.gov

Pursuant to an official investigation by the Grand Jury in the Eastern District of Missouri, you are requested not to disclose the existence of this request nor that you have provided information. Such a disclosure would impede the investigation and thereby interfere with the enforcement of the criminal laws of the United States. If you intend to disclose the existence of, or your response to, this request, please contact the Inspector above immediately.